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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kenneth M. Gainey, James A. Proctor, Jr., John A. Regnier, Jonathan L. Hughes,  
Stefan Haenggi and Michael J. Lynch

Application No.: 10/601,180 Group: 2681

Filed: June 20, 2003 Examiner: Not assigned

Confirmation No.: 6785

REPEATER FOR EXTENDING RANGE OF TIME DIVISION DUPLEX  
COMMUNICATION SYSTEM



CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450	
on <u>4-1-04</u>	<u>Nadine Z. Kush</u>
Date	Signature
<u>Nadine Z. Kush</u>	
Typed or printed name of person signing certificate	

PETITION UNDER 37 C.F.R. § 1.47(a) AND TRANSMITTAL  
OF DECLARATION

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Tantivy Communications, Inc., John A. Regnier, Stefan Haenggi and Michael J. Lynch hereby petition that the above-captioned application be accepted under 37 C.F.R. § 1.47(a). The petition fee required under 37 C.F.R. § 1.17(h) is provided herewith.

Three of the inventors, Kenneth M. Gainey, James A. Proctor, Jr., and Jonathan L. Hughes have not returned a signed Declaration for the above-referenced patent application despite attempts.

On June 20, 2003, the application materials for the above-referenced application, including the specification, claims, abstract, and informal drawings ("the application papers"), were deposited with the U.S. Postal Service under 37 C.F.R. § 1.10.

On February 17, 2004, I forwarded a copy of all the application papers, including a Declaration and Assignment form, to the inventors' last known addresses by First Class Mail. A copy of the letter is attached hereto as Exhibit A. Although the letter has a printed date of

February 17, 2003, that was a typographical error. I actually mailed the letter on February 17, 2004.

On March 16, 2004, I again forwarded a copy of the Declaration and Assignment forms to the non-signing inventors' last known addresses, again by First Class Mail. A copy of this letter is attached hereto as Exhibit B.

Mr. Gainey, Mr. Proctor, and Mr. Hughes as of this date have still not returned the executed documents despite attempts to obtain their signatures.

The last known address of Mr. Kenneth M. Gainey is:

441 Thrush Drive  
Satellite Beach, Florida 32937

The last known address of Mr. James A. Proctor, Jr. is:

258 Sea View Street  
Melbourne Beach, FL 32951

The last known address of Mr. Jonathan L. Hughes is:

4070 Careywood Drive  
Melbourne, Florida 32934

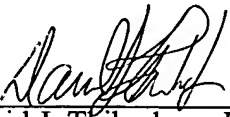
The executed Declaration for the other inventors, Mr. John A. Regnier, Mr. Stefan Haenggi, and Mr. Michael J. Lynch are being submitted herewith in response to the Notice to File Missing Parts dated September 2, 2003. A copy of Form PTO-1533 is enclosed.

The attached check in the amount of \$3,040 includes payment of the filing fees, surcharge, and fee required under 37 C.F.R. §1.17(h).

Please charge any additional fees due in this matter to Applicants' Attorney Deposit Account No. 08-0380. A copy of this letter is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH AND REYNOLDS, P.C.

By   
\_\_\_\_\_  
David J. Thibodeau, Jr.  
Registration No. 31,671  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, Massachusetts 01742-9133

Dated: 01 APRIL 2004

HAMILTON  
BROOK  
SMITH &  
REYNOLDS, P.C.

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DAVID J. BRODY  
MARY LOU WAKIMURA  
ALICE O. CARROLL  
N. SCOTT PIERCE  
HELEN E. WENDLER  
SUSAN G. L. GLOVSKY  
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TROY T. SVIHL  
A. CRISTINA TAYLOR\*  
RALPH TREMENTOZZI  
DARRELL L. WONG  
\* NOT ADMITTED IN MASS.

OF COUNSEL

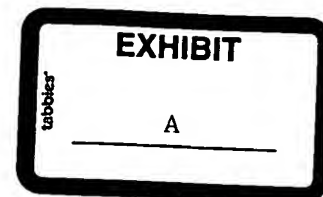
ELIZABETH W. MATA

PATENT AGENTS  
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ALEXANDER AKHIEZER  
JESSE A. FECKER  
PAMELA A. TORPEY  
KAREN J. TOWNSEND  
ROBERT H. UNDERWOOD

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LUCY LUBASHEV  
VIVIEN J. TANNOCCH  
MICHAEL M. YAMAUCHI

MICHAEL KEWESHAN  
ADMINISTRATIVE DIRECTOR

BARBARA J. FORQUE  
ADMINISTRATOR OF  
PATENT AND  
TRADEMARK PRACTICE



February 17, 2003

Mr. Kenneth M. Gainey  
441 Thrush Drive  
Satellite Beach, Florida 32937

Mr. John A. Regnier  
1621 Henley Road, N.W.  
Palm Bay, Florida 32907

Mr. Stefan Haenggi  
Spitzacker 6  
8172 Niederglatt, Switzerland

Mr. James A. Proctor, Jr.  
258 Sea View Street  
Melbourne Beach, Florida 32951

Mr. Jonathan L. Hughes  
4070 Careywood Drive  
Melbourne, Florida 32934

Re: Title: "Repeater for Extending Range of Time Division Duplex  
Communication System"  
Your Reference No.: TAN02-38  
HBSR Docket No.: 2479.2176-001

Dear Sirs:

Enclosed please find a copy of the original patent application as filed  
in the U.S. Patent and Trademark Office on June 20, 2003.

Also enclosed is a Declaration for Patent Application for the  
referenced case.

It is appropriate at this time to confirm that we have designated the  
correct inventor(s) in the attached Declaration and that the specification and  
claims meet the enablement and best mode requirements under U.S. patent  
law.

To assist you in this determination, each inventor should note the  
following:

1. Inventorship: Only persons who have  
made an inventive contribution to the  
conception of at least one of the claims in the  
patent application should be listed as an  
inventor. Any doubts on this matter should be  
resolved with me before proceeding further.

Mr. Kenneth M. Gainey  
Mr. James A. Proctor, Jr.  
Mr. John A. Regnier  
Mr. Johathan L. Hughes  
Mr. Stefan Haenggi  
February 17, 2003  
Page 2

2. Enablement: This requirement imposes an obligation on the inventor to describe the invention in sufficient detail to enable a person skilled in the art to make and use the invention which is the subject of the patent application without undue experimentation.

3. Best Mode: The "best mode" requirement goes further than the "enablement" requirement by obligating the inventor to include in the patent application a description of the best mode contemplated by the inventor of practicing the invention.

An inventor's failure to comply with the "best mode" or "enablement" requirements may invalidate a patent. In addition, intentional failure to correctly name inventors could result in an invalid or unenforceable patent. If you have any questions or concerns, please call me.

Please note that the Declaration requires that each inventor carefully read the patent application in its entirety before signing it. If the application is acceptable, please have each inventor sign and date the Declaration in BLUE ink. Each inventor should also check to be sure that the typed name, address and citizenship on the Declaration are correct. If they are not, the inventor should indicate the correct information in BLUE ink, and initial and date each correction in the margin.


If you have any questions or concerns, or feel any changes need to be made in the Declaration, please call me.

Each inventor should sign and date the Assignment in BLUE ink in the presence of two witnesses. The witnesses should sign the Assignment in the spaces provided below the signature which they witnessed, and print their home addresses in the spaces provided.

Please return **all** pages of these documents, in the enclosed self-addressed envelope, as soon as possible for filing in the U.S. Patent and Trademark Office.

Very truly yours,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

DJT/nzk/(dc)

Enclosures

cc: Ms. Kathy K. Renyo

@PFDDesktop\ODMA\MHODMA\HBSR05; iManage; 433297; 1

Joint

ASSIGNMENT

WHEREAS, we, **Kenneth M. Gainey, James A. Proctor, Jr., John A. Regnier, Jonathan L. Hughes, Stefan Haenggi and Michael J. Lynch**, have invented a certain improvement in **Repeater for Extending Range of Time Division Duplex Communication System** described in an application for Patent,

- ☐ the specification of which is being executed on even date herewith and is about to be filed in the United States Patent Office (*use for 37 CFR §1.53(b) filings only*);
- ☐ is about to be filed in the United States Patent Office as a Provisional Application;
- ☒ the specification of which is United States Application No. **10/601,180**, filed **June 20, 2003**;
- ☐ the specification of which is a Patent Cooperation Treaty Application, International Application No. ☐ , which designates the United States of America;
- ☐ which was patented under United States Patent No. ☐ .

WHEREAS, **InterDigital Communications Corp.** (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the **State of Delaware**, and having a usual place of business at **1450 South Babcock Street, Melbourne, Florida 32901** desires to acquire an interest therein in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue on said invention; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts

Docket No. 2479.2176-001

which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of any future applications including substitution, reissue, divisional or continuation applications, and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request each Patent Office and the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said invention to said ASSIGNEE, its successors, assigns, and legal representatives.

---

---

Inventor \_\_\_\_\_ Date \_\_\_\_\_

**Kenneth M. Gainey**

Address 441 Thrush Drive

Satellite Beach, Florida 32937

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

---

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---

---

Inventor \_\_\_\_\_ Date \_\_\_\_\_  
**James A. Proctor, Jr.**

Address 258 Sea View Street  
Melbourne Beach, Florida 32951

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

---

---

Inventor \_\_\_\_\_ Date \_\_\_\_\_  
**John A. Regnier**

Address 1621 Henley Road, N.W.  
Palm Bay, Florida 32907

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_



---

---

Inventor \_\_\_\_\_ Date \_\_\_\_\_

**Jonathan L. Hughes**

Address 4070 Careywood Drive

Melbourne, Florida 32934

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

---

---

Inventor \_\_\_\_\_ Date \_\_\_\_\_

**Stefan Haenggi**

Address Spitzacker 6

8172 Niederglatt, Switzerland

Witness \_\_\_\_\_

Address \_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_

---

---

Inventor \_\_\_\_\_ Date \_\_\_\_\_  
Michael J. Lynch

Address 4195 Richwood Court  
Merritt Island, Florida 32952

Witness \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

Witness \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

REPEATER FOR EXTENDING RANGE OF TIME DIVISION DUPLEX COMMUNICATION  
SYSTEM

the specification of which (check one)

[ ] is attached hereto.

[X] was filed on June 20, 2003 as United States Application Number 10/601,180.

[ ] was filed on [PCT Filing Date] as PCT International Application No. [PCT Appl'n No.] [OPTION and assigned United States Application No. [ ]].

[ ] and was amended on [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed?	
				YES	NO
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole

or first inventor Kenneth M. Gainev

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 441 Thrush Drive

Satellite Beach, FL 32937

Citizenship USA

Mailing Address same as above

-----  
Full name of second joint

inventor, if any James A. Proctor, Jr.

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 258 Sea View Street

Melbourne Beach, FL 32951

Citizenship USA

Mailing Address same as above

-----  
Full name of third joint

inventor, if any John A. Regnier

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 1621 Henley Road, N.W.

Palm Bay, FL 32907

Citizenship USA

Mailing Address same as above

-----  
Full name of fourth joint

inventor, if any Jonathan L. Hughes

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 4070 Carevwood Drive

Melbourne, FL 32934

Citizenship USA

Mailing Address same as above  
-----

-----  
Full name of fifth joint

inventor, if any Stefan Haenggi

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Spitzacker 6

8172 Niederglatt, Switzerland

Citizenship SWITZERLAND

Mailing Address same as above

-----  
Full name of sixth joint

inventor, if any Michael J. Lynch

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 4195 Richwood Court

Merritt Island, FL 32952

Citizenship USA

Mailing Address same as above

-----  
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HAMILTON  
BROOK  
SMITH &  
REYNOLDS, P.C.

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MARK B. SOLOMON  
TROY T. SVIHL  
A. CRISTINA TAYLOR\*  
RALPH TREMENTOZZI  
DARRELL L. WONG  
\* NOT ADMITTED IN MASS.

OF COUNSEL

ELIZABETH W. MATA

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JESSE A. FECKER  
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MICHAEL KEWESHAN  
ADMINISTRATIVE DIRECTOR

BARBARA J. FORGUE  
ADMINISTRATOR OF  
PATENT AND  
TRADEMARK PRACTICE

EXHIBIT

B

FILE COPY

March 16, 2004

Mr. Kenneth M. Gainey  
441 Thrush Drive  
Satellite Beach, Florida 32937

Mr. James A. Proctor, Jr.  
258 Sea View Street  
Melbourne Beach, Florida 32951

Mr. Jonathan L. Hughes  
4070 Careywood Drive  
Melbourne, Florida 32934

Re: Title: "Repeater for Extending Range of Time Division Duplex  
Communication System"  
Your Reference No.: TAN02-38  
HBSR Docket No.: 2479.2176-001

Dear Sirs:

We previously sent you a copy of the original patent application as filed in the U.S. Patent and Trademark Office on June 20, 2003 and enclosed a Declaration for Patent Application for the referenced case.

We are enclosing another Declaration for Patent Application for your review and signature.

It is appropriate at this time to confirm that we have designated the correct inventor(s) in the attached Declaration and that the specification and claims meet the enablement and best mode requirements under U.S. patent law.

To assist you in this determination, each inventor should note the following:

1. Inventorship: Only persons who have made an inventive contribution to the conception of at least one of the claims in the patent application should be listed as an inventor. Any doubts on this matter should be resolved with me before proceeding further.
2. Enablement: This requirement imposes an obligation on the inventor to describe the invention in sufficient detail to enable a person

Mr. Kenneth M. Gainey  
Mr. James A. Proctor, Jr.  
Mr. Johathan L. Hughes  
March 16, 2004  
Page 2

skilled in the art to make and use the invention which is the subject of the patent application without undue experimentation.

3. Best Mode: The "best mode" requirement goes further than the "enablement" requirement by obligating the inventor to include in the patent application a description of the best mode contemplated by the inventor of practicing the invention.

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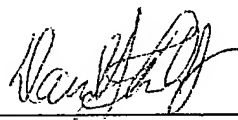
Please note that the Declaration requires that each inventor carefully read the patent application in its entirety before signing it. If the application is acceptable, please have each inventor sign and date the Declaration in BLUE ink. Each inventor should also check to be sure that the typed name, address and citizenship on the Declaration are correct. If they are not, the inventor should indicate the correct information in BLUE ink, and initial and date each correction in the margin.

If you have any questions or concerns, or feel any changes need to be made in the Declaration, please call me.

Please return **all** pages of this document, in the enclosed self-addressed envelope, as soon as possible for filing in the U.S. Patent and Trademark Office.

Very truly yours,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

David J. Thibodeau, Jr.

DJT/nzk

Enclosures

cc: Ms. Kathy K. Renyo  
@PFDesktop\ODMA\MHODMA\HBSR05;iManage;460339;1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Declaration for Patent Application

[ ] Supplemental (37 C.F.R. §1.67)

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 2 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

REPEATER FOR EXTENDING RANGE OF TIME DIVISION DUPLEX COMMUNICATION  
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the specification of which (check one)

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[ ] and was amended on [ ] (if applicable).

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I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. §1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119 or 365 of any foreign application(s) for patent or inventor's certificate, or of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			Priority Not Claimed	Certified Copy Filed? YES NO	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]
_____ (Number)	_____ (Country)	_____ (Day/Month/Year filed)	[ ]	[ ]	[ ]



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

-----  
Full name of sole

or first inventor Kenneth M. Gainev

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 441 Thrush Drive

Satellite Beach, FL 32937

Citizenship USA

Mailing Address same as above

-----  
Full name of second joint

inventor, if any James A. Proctor, Jr.

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Full name of third joint

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Full name of fourth joint

inventor, if any Jonathan L. Hughes

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Full name of fifth joint

inventor, if any Stefan Haenggi

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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Full name of sixth joint

inventor, if any Michael J. Lynch

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

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